



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,281	09/19/2003	Steven Yellin Schondorf	203-0096	2280
28549	7590	02/06/2007		
ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			EXAMINER FLEMING, FAYE M	
			ART UNIT	PAPER NUMBER
			3616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/605,281		SCHONDORF ET AL.	
	Examiner		Art Unit	
	Faye M. Fleming		3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 24-26 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

((e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 2, 7, 24 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Morrison, et al (6,933,655).

Morrison teaches a device comprising a seatbelt having a buckled state and an unbuckled state (see col. 8, lines 43-46); a self-powered wireless switch assembly 766 coupled to the seatbelt, the self powered wireless switch assembly comprising an energy harvesting element generating electrical power, a capacitor storing power received from the energy harvesting element, and a wireless transmitter transmitting a wireless status signal corresponding to the buckled state and the unbuckled state, see figures 3 and 28. The energy harvesting element comprises a piezoelectric material 202. Morrison teaches a receiver receiving a wireless signal and generated an electrical request signal corresponding to the wireless signal.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-6, 13, 16-22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison, et al (6,933,655) in view of Stevenson, et al (7,002,457).

Morrison teaches the claimed invention except for an antenna and an identifier. Stevenson teaches a seat belt status monitoring system comprising an antenna 22 and a signal having a seatbelt location identifier and an indicator 24 coupled to the receiver (see paragraph [0020], line 21-26). Stevenson also teaches the antenna 22 is also a control unit. Based on the teachings of Morrison, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have an antenna and an identifier to provide a stronger signal for assurance and to provide indication of whether seatbelt is buckled or unbuckled for safety, respectively.

Morrison is silent to where switch assembly is coupled. Stevenson teaches a self-powered wireless switch assembly is coupled to a buckled side of the seat-belt. Regarding claim 6, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the switch coupled to the tongue of the seat belt, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill.

Regarding claim 13, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a plurality of receivers, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Art Unit: 3616

Regarding claims 19 and 20, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a plurality of seatbelt identifications and plurality of seatbelt statuses, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

5. Claims 8-12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison, et al (6,933,655) in view of Stevenson, et al (20040119599), further in view of Gupta, et al (6,688,700).

Morrison in view of Stevenson is silent to the seatbelt mounted adjacent to a seat in a vehicle. Gupta teaches a seating system assembled to a vehicle wherein the seat is foldable, removable, and/or non-removable. Based on the teachings of Gupta, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Morrison and Stevenson to have the seatbelt mounted adjacent to a seat in a vehicle to protect a passenger during an accident.

Allowable Subject Matter

6. Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

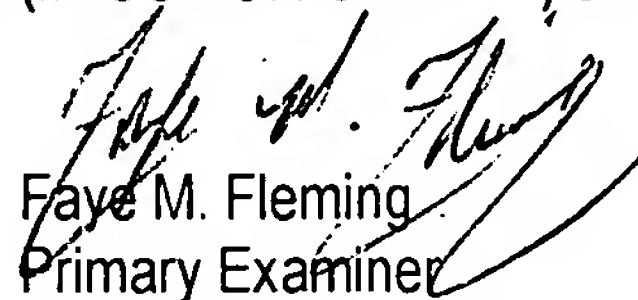
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye M. Fleming whose telephone number is (571) 272-6672. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Faye M. Fleming
Primary Examiner
Art Unit 3616
04/24/07